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MAY 08 2003

In re Application of : OFFICE OF PETITIONS
Pierre Zakarauskas :
Application No. 09/375,309 : ON PETITION
Filed: August 16, 1999 :
Attorney Docket No. 10514/002001 :


This is a decision on the petition under 37 CFR 1.137(b), filed May 1, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed May 14, 2002, which set a shortened statutory period for reply of three (3) months. A reply under 37 CFR 1.113 is limited to an amendment that *prima facie* places the application in condition for allowance or a Notice of Appeal (and appeal fee required by 37 CFR 1.17(b)). Since the amendment submitted does not *prima facie* placing the application in condition for allowance, no Notice of Appeal (and appeal fee) was timely filed. Extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 15, 2002.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 305-9282.

The application file is being forwarded to Technology Center AU 2654 for processing of the request for continued examination (RCE) under 37 CFR 1.114 and the currently filed amendment.


Wan Laymon
Petitions Examiner
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for Patent Examination Policy